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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,617	11/12/2003	Shinya Wada	SCEP 20.732 (100809-00225)	5866
26304	7590	10/31/2006	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			TIMBLIN, ROBERT M	
			ART UNIT	PAPER NUMBER
			2167	

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/706,617	<b>Applicant(s)</b> WADA, SHINYA	
	<b>Examiner</b> Robert M. Timblin	<b>Art Unit</b> 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/11/2006</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This office action corresponds to application 10/706,617 filed 11/12/2003.

Claims 1-22 have been examined and are pending in this application.

### ***Response to Applicant's Remarks***

#### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 2002-328853 filed November 12, 2002.

#### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 8/11/2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

#### ***Drawings***

The drawings submitted 11/12/2003 have been considered and accepted by the examiner.

#### ***Claim Objections***

Claim 9 is objected to for the minor informality of grammar: receive should be "receives." Correction is kindly asked by the examiner.

Claim 14 is objected to for vagueness and being unclear. Specifically, claim 14 cites an object representing the files in the determining step. In the displaying step of claim 14 an object that corresponds to a file is cited. Corrections to make these statements consistent are required by the examiner.

### ***Claim Rejections - 35 USC § 101***

Claims 17-19 are rejected under 35 U.S.C. 101 because they are directed towards nonstatutory subject matter. Specifically, claims 17, 18 and 19 are directed towards a "program executable by a computer, the program including the functions..." As these claims read, a program per se is being claimed. Without the inclusion of the program being in use with hardware associated with a computer (i.e. a storage medium), these claims are not functional and therefore not statutory.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-6, 9-10, 12-14, and 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki et al. (Aoki) (U.S. Patent 6,253,218) in view of Rosenzweig et al. (Rosenzweig) (U.S. Patent Application 2002/0075322).

With respect to claim 1, Aoki teaches in at least embodiment 1 (starting line 30 of column 8) and figures 1-13 a file processing apparatus, including:

an attribute input unit (102) which acquires a value of an attribute for at least one file in order to represent a value of a predetermined attribute for an intended file as a data characteristics detecting section 102 that corresponds to the attribute input unit (col. 8 lines 46-50 and figure 1, 108);

a comparison processing unit which compares the value of an attribute with a reference value as data characteristics detecting section extracts attribute values of data from database, such as the date of creation and the data model generating section generates a 3-D data model according to the extracted attribute values of the data. The data model placing section calculates a display position of the 3-D data model on the 3-D coordinate space and 3-D data model set at a position, which visually represents the attribute such as the data of generation of the data (embodiment 1, column 9). By these teachings, a comparison had to have been made of the date of creation of the data with the date represented by the original point in the 3-D space for determining the display position.

a position determining unit 106 which sets, based on a result obtained from said comparison processing unit, a relative display position of a predetermined object as the data model placing section 106 places the data model in accordance with the date of creation (col. 9 lines 15-20); and

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a display processing unit 107 which visually represents the value of the attribute, by displaying the object at the display position on a screen set by said position determining unit as the display section outputs the placing result (col. 9 lines 23-25).

Aoki fails to expressly teach the concept of weight and furthermore determining the concept of weight such that an object appears "light" or "heavy."

Rosenzweig, however, teaches this concept of weight such that an object appears "light" or "heavy" as can be seen in figures 1-9 and the summary of invention. Therein image files are processed and the metadata of these files are decoded. A result of this process is a first plurality of icons that are proportionately sized to correspond to the number of pictures captured during a given time (paragraph 0007). The size of the first plurality of icons depicts the size of an image file (and thus if the file is "heavy" or "light").

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the teachings of Rosenzweig would have given Aoki's invention a concept of weight to determine a display pattern (the need described by Aoki in col. 9 lines 5-10). Furthermore Rosenzweig's invention enables Aoki's system to visually depict the size (i.e. "heaviness") of files so that the user can easily manage or retrieve the information they need (col. 2 lines 14-16, Aoki).

With respect to claim 3, Aoki teaches a file processing apparatus according to claim 1, wherein said attribute input unit acquires values of the attribute for a plurality of files (detecting data , said comparison processing unit sets a value of an attribute for at least one of the plurality of files to the reference value, said position determining unit sets relative display positions of a plurality of objects corresponding to the plurality of files, respectively, and wherein said display processing unit displays the plurality of files at the respective display positions and visually represents the comparison of weights of the files via another object representative of the measurement of the weights (col. 9, lines 1-10 and figures 1-2) Therein data characteristics and data attributes are detected. After, a 3-D data model is determined by the obtained information.

With respect to claim 4, Aoki teaches a file processing apparatus according to claim 3 wherein said comparison processing unit sets, as the reference value, a size of a storage area that stores at least one file, said position determining unit sets a relative display position of an object indicative of the storage area according to the size of the storage area, and wherein said display processing unit visually expresses the comparison of data size between the at least one file and the storage area via the another object. As seen in embodiment 1 starting in column 8 and specifically in col. 9 lines 5-15 as a display pattern is based upon data characteristics which correlate to reference values.

With respect to claim 5, Aoki teaches a file processing apparatus according to claim 1, wherein said attribute input unit acquires values of an attribute for a plurality of files and said comparison processing unit classifies the plurality of files into a plurality of groups according to the respective values of the attribute, and wherein said display processing unit displays the object in an appearance corresponding to the respective groups as categories (col. 9 line 20).

With respect to claim 6, Aoki teaches a file processing apparatus according to claim 1, wherein said attribute input unit acquires values of an attribute for a plurality of files (col. 9 lines 5-10), said comparison processing unit classifies the plurality of files into a plurality of classes and sequentially compares the values of an attribute for each class (col. 9 line 20), wherein, after relative display positions are temporarily determined respectively as positions that initially display objects for the plurality of files (figure 2), said position determining unit sequentially updates the relative display positions in a manner such that comparison results for each class are reflected for each class, and wherein said display processing unit varies the display of the objects according to said updating after the plurality of files are displayed at the temporally determined relative display positions (taught at least by embodiment 15 in column 26 and figure 83).

With respect to claim 9, Aoki teaches a file processing apparatus according to claim 1 further including:

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an instruction receiving unit which receive an instruction from a user intending to change the display position of the object as an input section (108 of figure 1); and

an effect generator which causes, based on the instruction, said position determining unit and said display processing unit to process a change in any of position, shape and appearance of the object as a viewpoint changing section (109 of figure 1).

With respect to claim 10 Aoki teaches a method of processing files, including:

setting a relative display position of a predetermined object that symbolically represents the files in terms of whether the weight thereof is heavy or light, based on a value of a predetermined attribute for an intended file, in order to represent the value of a predetermined attribute therefor by using a concept of weight (col. 9 lines 15-20); and

representing visually the weight by displaying the object at the relative display position on a screen (col. 9 lines 23-25).

Aoki does not expressly teach representing files in terms of whether the weight thereof is heavy or light by using a concept of weight.

Rosenzweig, however, teaches this concept of weight such that an object appears "light" or "heavy" as can be seen in figures 1-9 and the summary of invention. Therein image files are processed and the metadata of these files are decoded. A result of this process is a first plurality of icons that are proportionately sized to correspond to the number of pictures captured during a given time (paragraph 0007). The size of the first plurality of icons depicts the size of an image file (and thus if the file is "heavy" or "light").

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It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the teachings of Rosenzweig would have given Aoki's invention a concept of weight to determine a display pattern (the need described by Aoki in col. 9 lines 5-10). Furthermore Rosenzweig's invention enables Aoki's system to visually depict the size (i.e. "heaviness") of files so that the user can easily manage or retrieve the information they need (col. 2 lines 14-16, Aoki).

With respect to claim 12, Aoki and Rosenzweig in combination teach the limitations of this claim, as they are substantially similar to those of claims 1 and 10 above. Accordingly these features have been disclosed by the applied references and therefore are rejected for the same reasons

With respect to claim 13, Aoki teaches a method of processing files according to claim 12, wherein said acquiring further acquires a size of a storage area that stores at least one file (col. 9 lines 5-10), and said setting sets the relative display position of at least one object corresponding to the at least one file, based on a comparison result obtained by comparing a data size between the at least one object and the storage area (embodiment 1, column 9), and wherein said displaying and expressing represents visually the comparison result via the another object (display section 107).

With respect to claim 14, Aoki teaches a method of processing files, including:

acquiring values of a predetermined attribute for a plurality of files, in order to represent the values of a predetermined attribute for intended (col. 8 lines 46-50 and figure 1, 108, 102);

setting a temporary sequence for the plurality of files (figure 2 and col. 9 lines 1-20; 3-D model);

determining, based on the temporary sequence, a temporary display position of a predetermined object that symbolically represents the files in terms of whether the weight thereof is heavy or light;

displaying an object that corresponds to the plurality of files, at the temporary display position on a screen (figure 2, 202, 203);

comparing the values of a predetermined attribute between adjacent files in the temporary sequence (embodiment 1, column 9);

updating the display position based on a comparison result obtained from said comparing (col.34 lines 9-20); and

representing visually the weight thereof by varying display contents according to said updating as a display pattern determined based on size (col. 9 lines 8-10).

Aoki fails to expressly teach the concept of weight and furthermore determining the concept of weight such that an object appears "light" or "heavy."

Rosenzweig, however, teaches this concept of weight such that an object appears "light" or "heavy" as can be seen in figures 1-9 and the summary of invention. Therein image files are processed and the metadata of these files are decoded. A result of this process is a first plurality of icons that are proportionately sized to

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correspond to the number of pictures captured during a given time (paragraph 0007). The size of the first plurality of icons depicts the size of an image file (and thus if the file is "heavy" or "light").

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the teachings of Rosenzweig would have given Aoki's invention a concept of weight to determine a display pattern (the need described by Aoki in col. 9 lines 5-10). Furthermore Rosenzweig's invention enables Aoki's system to visually depict the size (i.e. "heaviness") of files so that the user can easily manage or retrieve the information they need (col. 2 lines 14-16, Aoki).

With respect to claim 16, Aoki teaches a method of processing files according to claim 10, further including: acquiring an instruction from a user who intends to cause a display position of the object to be changed; and changing at least one of position, shape and appearance of the object, based on the instruction. This limitation is taught by Aoki wherein a user inputs a command for changing the view by means of the input section (embodiment 1, column 9).

With respect to claim 17, this claim is essentially the same as claims 1 and 10 except for claiming a product of manufacture rather than an apparatus. Accordingly this claim is rejected for the same reasons as claims 1 and 10 in view of the combination of Aoki and Rosenzweig.

With respect to claims 18-22, these claims contain similar limitations to independent claims 1, 10, 12, 14, and 17 above and are rejected for the same reasons in view of the combination of Aoki and Rosenzweig.

Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki and Rosenzweig as applied to claims 1, 3-6, 9-10, 12-14, and 16-22 above further in view of Vaananen et al. (Vaananen hereinafter) U.S. Patent Application 2002/0175896 A1.

With respect to claim 2 and similar claim 11, Aoki and Rosenzweig fail to teach a file processing apparatus according further including an inclination detector which detects inclination of a predetermined region in the file processing apparatus operated by a user, wherein according to the inclination detected by said inclination detector said position determining unit varies the relative display position.

Vaananen, however, teaches this limitation as element 50 of figures 2 and 5 and paragraph 0078. Therein an accelerator sensor is disclosed to measure tilting movements.

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the teachings of Vaananen would have provided Aoki-Rosenzweig's system with the ability to vary a relative display position to obtain an easier to use user

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interface. Vaananen suggests in paragraph 0009 a need for a less "slow and awkward" method of data browsing. Aoki suggests in column 2, lines 2-4 a need to be able to access and manage data in a straightforward manner.

Claims 7, 8 , and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Aoki and Rosenzweig as applied to claims 1, 3-6, 9-10, 12-14, and 16-22 above further in view of Adler et al ("Adler" hereinafter) U.S. Patent 6,340,957.

With respect to claim 7 and similar claims 8 and 15, Aoki and Rosenzweig teach a file processing apparatus as applied to claims 1, 3-6, 9-10, 12-14, and 16-22 above.

Aoki and Rosenzweig fail to teach a file processing apparatus further including a vibration detector which detects a swaying motion at a predetermined region of the file processing apparatus operated by a user, wherein said comparison processing unit performs a comparison processing when the motion is detected, and said position determining unit updates the relative display position according to the result obtained from said comparison processing unit.

Adler, however, teaches these limitations from at least (col. 15 lines 15-22). Therein displayed data is manipulated according to vibration for accessing and managing data in a straightforward manner.

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references

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because this feature of Adler would have satisfied Aoki-Rosenzweig's need for accessing and managing data in a straightforward manner which is needed by Aoki (column 2 line 12-17 and column 12 lines 15-23).

### ***Response to Arguments***

Applicant's arguments, see page 12 last paragraph, filed 8/24/2006, with respect to the rejection(s) of claim(s) 1,5,6,9,10,14,16,17,19,20, and 22 under Aoki have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a different interpretation.

As seen in the aforementioned rejection, the cited reference of Rosenzweig teaches the "concept of weight" and visually representing whether the weight is heavy or light. This teaching of Rosenzweig makes up for the deficiency of Aoki failing to *explicitly* teach these limitations.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Timblin whose telephone number is 571-272-5627. The examiner can normally be reached on M-F 8:00-4:30.

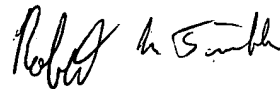
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

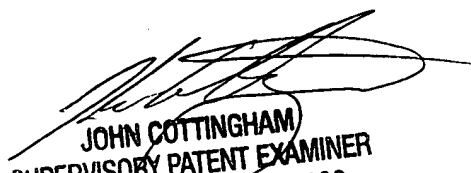
Robert M. Timblin



Patent Examiner AU 2167

RMT  
10/26/2006

*Der*



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